

REMARKS

Claims 1-76 are pending in this application. Claims 1-15 and 20-76 have been withdrawn as being directed to a non-elected invention. Claims 16-19 are examined in the present Office Action. Claim 18 is rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. Claim 17 is rejected under 35 U.S.C. § 102(b) for lack of novelty over Lichenstein et al. (U.S. Patent No. 5,652,352; hereinafter “Lichenstein”), and under 35 U.S.C. § 102(e) for lack of novelty over Economou et al. (U.S. Patent Application Publication No. 2003/0143237; hereinafter “Economou”). Claim 19 is objected to, but would be allowable if rewritten in independent form. Claim 16 is allowable. By this reply, Applicants cancel claim 18, amend claims 17 and 19, and address each of the Examiner’s rejections.

Claim Objections

The Examiner states that “[c]laim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims” (Office Action, p. 5). As suggested by the Examiner, Applicants have rewritten claim 19 as an independent claim. Accordingly, the objection to claim 19 can now be withdrawn.

Rejections under 35 U.S.C. § 112, first paragraph

Claim 18 is rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. The Examiner states “[t]he instant claims read on fragments of non-glycosylated human alpha-fetoprotein. Thus, the claims read on any fragment of any size not necessarily having any

function at all”(Office Action, pp. 2-3). Applicants have cancelled claim 18. This rejection can now be withdrawn.

Rejections under 35 U.S.C. § 102

Claim 17 is rejected under 35 U.S.C. § 102(b) for anticipation over Lichenstein and under 35 U.S.C. § 102(e) for anticipation over Economou. The Examiner states that both Lichenstein and Economou disclose a protein having the sequence of SEQ ID No.: 6 (Office Action, pp. 4-5).

Applicants have amended claim 17, which now recites a polypeptide that has the amino acid sequence set forth in SEQ ID NO: 6 and that further includes a mutation at position 251 of the amino acid sequence that replaces the native asparagine residue with a glutamine residue.

Lichenstein and Economou fail to teach or suggest a polypeptide having the amino acid sequence recited in claim 17, as presently amended. Because Lichenstein and Economou fail to teach or suggest all of the limitations of present claim 17, Applicants respectfully submit that the rejection of claim 17 in view of these references can now be withdrawn.

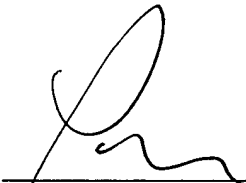
CONCLUSION

Applicants submit that present claims 16, 17, and 19 are in condition for allowance, and such action is respectfully requested. If there are any additional issues that need to be resolved, Applicants respectfully request that the Examiner contact the undersigned by telephone.

If there are any additional charges, or any credits, please apply them to Deposit Account Number 03-2095.

Respectfully submitted,

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